

AMENDED IN ASSEMBLY MAY 27, 2011

AMENDED IN ASSEMBLY APRIL 7, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

**No. 224**

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**Introduced by Assembly Member Bonilla**

February 2, 2011

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An act to amend Section 52052 of the Education Code, relating to school accountability.

### LEGISLATIVE COUNSEL'S DIGEST

AB 224, as amended, Bonilla. School accountability: Academic Performance Index.

The Public Schools Accountability Act of 1999 requires the Superintendent of Public Instruction to develop an Academic Performance Index (API), which measures the performance of schools and the academic performance of pupils and consists of a variety of indicators, including pupil scores from a list of specified tests. The results of those specified tests constitute 60% of the value of the API.

This bill, ~~instead, would require that from July 1, 2013, to June 30, 2016, inclusive, the results of those tests constitute at least 50% of the value of the API. Commencing~~, *commencing* with the 2012–13 fiscal year, *would require* the Superintendent, in consultation with the State Board of Education, ~~would be required~~ to incorporate various indicators into the API, including high school graduation rates, rates by which pupils complete a course of study at an achievement level that fulfills the requirements and prerequisites for admission to California public institutions of postsecondary education, and rates by which pupils complete a course of study that provides the skills and knowledge

necessary to attain entry-level employment in business or industry when they graduate from high school. ~~The indicators incorporated by the Superintendent would constitute the other 50% of the API. The Superintendent would be required to implement these percentage adjustments to the API commencing with the 2016–17 fiscal year.~~

Existing law requires the Superintendent to establish an advisory committee to advise the Superintendent and the ~~State Board of Education~~ *state board* on the creation of the API and to make related recommendations.

This bill would require the *advisory* committee to make recommendations relative to implementing the requirements imposed by this bill. The advisory committee also would be required to develop recommendations for the inclusion of multiple measures in the API of middle and junior high schools.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 52052 of the Education Code is amended
- 2 to read:
- 3 52052. (a) (1) Except as provided pursuant to subdivision (c),
- 4 the Superintendent, with approval of the state board, shall develop
- 5 an Academic Performance Index (API), to measure the performance
- 6 of schools, especially the academic performance of pupils.
- 7 (2) A school shall demonstrate comparable improvement in
- 8 academic achievement as measured by the API by all numerically
- 9 significant pupil subgroups at the school, including:
- 10 (A) Ethnic subgroups.
- 11 (B) Socioeconomically disadvantaged pupils.
- 12 (C) English language learners.
- 13 (D) Pupils with disabilities.
- 14 (3) (A) For purposes of this section, a numerically significant
- 15 pupil subgroup is one that meets both of the following criteria:
- 16 (i) The subgroup consists of at least 50 pupils each of whom
- 17 has a valid test score.
- 18 (ii) The subgroup constitutes at least 15 percent of the total
- 19 population of pupils at a school who have valid test scores.
- 20 (B) If a subgroup does not constitute 15 percent of the total
- 21 population of pupils at a school who have valid test scores, the

1 subgroup may constitute a numerically significant pupil subgroup  
2 if it has at least 100 valid test scores.

3 (C) For a school with an API score that is based on no fewer  
4 than 11 and no more than 99 pupils with valid test scores,  
5 numerically significant subgroups shall be defined by the  
6 Superintendent, with approval by the state board.

7 (4) The API shall consist of a variety of indicators currently  
8 reported to the department, including, but not limited to, the results  
9 of the achievement test administered pursuant to Section 60640  
10 and the graduation rates for pupils in secondary schools.

11 (A) Graduation rates for pupils in secondary schools shall be  
12 calculated for the API as follows:

13 (i) Four-year graduation rates shall be calculated by taking the  
14 number of pupils who graduated on time for the current school  
15 year, which is considered to be three school years after the pupils  
16 entered grade 9 for the first time, and dividing that number by the  
17 total calculated in clause (ii).

18 (ii) The number of pupils entering grade 9 for the first time in  
19 the school year three school years prior to the current school year,  
20 plus the number of pupils who transferred into the class graduating  
21 at the end of the current school year between the school year that  
22 was three school years prior to the current school year and the date  
23 of graduation, less the number of pupils who transferred out of the  
24 school between the school year that was three school years prior  
25 to the current school year and the date of graduation who were  
26 members of the class that is graduating at the end of the current  
27 school year.

28 (iii) Five-year graduation rates shall be calculated by taking the  
29 number of pupils who graduated on time for the current school  
30 year, which is considered to be four school years after the pupils  
31 entered grade 9 for the first time, and dividing that number by the  
32 total calculated in clause (iv).

33 (iv) The number of pupils entering grade 9 for the first time in  
34 the school year four years prior to the current school year, plus the  
35 number of pupils who transferred into the class graduating at the  
36 end of the current school year between the school year that was  
37 four school years prior to the current school year and the date of  
38 graduation, less the number of pupils who transferred out of the  
39 school between the school year that was four years prior to the

1 current school year and the date of graduation who were members  
2 of the class that is graduating at the end of the current school year.

3 (v) Six-year graduation rates shall be calculated by taking the  
4 number of pupils who graduated on time for the current school  
5 year, which is considered to be five school years after the pupils  
6 entered grade 9 for the first time, and dividing that number by the  
7 total calculated in clause (vi).

8 (vi) The number of pupils entering grade 9 for the first time in  
9 the school year five years prior to the current school year, plus the  
10 number of pupils who transferred into the class graduating at the  
11 end of the current school year between the school year that was  
12 five school years prior to the current school year and the date of  
13 graduation, less the number of pupils who transferred out of the  
14 school between the school year that was five years prior to the  
15 current school year and the date of graduation who were members  
16 of the class that is graduating at the end of the current school year.

17 (B) The inclusion of five- and six-year graduation rates for  
18 pupils in secondary schools shall meet the following requirements:

19 (i) Schools shall be granted one-half the credit in their API  
20 scores for graduating pupils in five years that they are granted for  
21 graduating pupils in four years.

22 (ii) Schools shall be granted one-quarter the credit in their API  
23 scores for graduating pupils in six years that they are granted for  
24 graduating pupils in four years.

25 (iii) Notwithstanding clauses (i) and (ii), schools shall be granted  
26 full credit in their API scores for graduating in five or six years a  
27 pupil with disabilities who graduates in accordance with his or her  
28 individualized education program (IEP).

29 (C) The pupil data collected for the API that comes from the  
30 achievement test administered pursuant to Section 60640 and the  
31 high school exit examination administered pursuant to Section  
32 60851, when fully implemented, shall be disaggregated by special  
33 education status, English language learners, socioeconomic status,  
34 gender, and ethnic group. Only the test scores of pupils who were  
35 counted as part of the enrollment in the annual data collection of  
36 the California Basic Educational Data System, the California  
37 Longitudinal Pupil Achievement Data System, or other successor  
38 data system for the current fiscal year and who were continuously  
39 enrolled during that year may be included in the test result reports  
40 in the API score of the school.

(D) Notwithstanding any other provision of law, graduation rates for pupils in dropout recovery high schools shall not be included in the API. For purposes of this subparagraph, “dropout recovery high school” means a high school in which 50 percent or more of its pupils have been designated as dropouts pursuant to the exit/withdrawal codes developed by the department.

(E) The Superintendent shall provide an annual report to the Legislature on the graduation and dropout rates in California and shall make the same report available to the public. The report shall be accompanied by the release of publicly accessible data for each school district and school in a manner that provides for disaggregation based upon socioeconomically disadvantaged pupils and numerically significant subgroups scoring below average on statewide standards-aligned assessments. In addition, the data shall be made available in a manner that provides for comparisons of a minimum of three years of data.

(b) ~~(1)~~ Pupil scores from the following tests, when available and when found to be valid and reliable for this purpose, shall be incorporated into the API:

~~(A)~~

~~(1)~~ The standards-based achievement tests provided for in Section 60642.5.

~~(B)~~

~~(2)~~ The high school exit examination developed pursuant to Section 60850.

~~(2) (A) Until July 1, 2013, results of the tests identified in paragraph (1) shall constitute at least 60 percent of the value of the index.~~

~~(B) From July 1, 2013, to June 30, 2016, inclusive, results of tests identified in paragraph (1) shall constitute at least 50 percent of the value of the index.~~

~~(C) Commencing with the 2016-17 fiscal year, the Superintendent shall implement all of the following:~~

~~(i) Results of the achievement test and other tests specified in this subdivision shall constitute 50 percent of the value of the index.~~

~~(ii) The indicators described in subdivision (c) shall collectively constitute 50 percent of the value of the index.~~

~~(iii) Except as provided in clause (iv), the indicators described in subdivision (c) shall be assigned equal weight in the API.~~

1     ~~(iv) The indicators described in subdivision (c) shall be designed~~  
2     ~~in a manner that gives additional weight to the combined rates by~~  
3     ~~which pupils satisfy the conditions described in paragraphs (2)~~  
4     ~~and (3) of subdivision (c).~~

5     (c) In addition to the pupil scores from the tests set forth in  
6     subdivision (b) and commencing with the 2012–13 fiscal year, the  
7     Superintendent, in consultation with the state board, shall  
8     incorporate the following indicators into the API for schools  
9     serving any of grades 8 to 12, inclusive, using the best available  
10    data:

11    (1) High school graduation rates calculated as specified in  
12    subparagraph (A) of paragraph (4) of subdivision (a).

13    (2) Rates by which pupils complete a course of study at an  
14    achievement level that fulfills the requirements and prerequisites  
15    for admission to California public institutions of postsecondary  
16    education, as set forth in subdivision (a) of Section 51228.

17    (3) Rates by which pupils complete a course of study that  
18    provides the skills and knowledge necessary to attain entry-level  
19    employment in business or industry when they graduate from high  
20    school, as set forth in subdivision (b) of Section 51228. For  
21    purposes of this paragraph, the Superintendent shall use indicators  
22    derived from one or more of the following:

23    (A) Satisfactory completion of a designated career and technical  
24    education course or series of courses that meet the career technical  
25    education content standards adopted by the state board.

26    (B) The number or percentage of pupils who earn a certificate,  
27    license, or the equivalent in the designated occupation for which  
28    it is issued.

29    (C) The scores of pupils on valid and reliable assessments,  
30    including portfolio assessments, that are designed to assess the  
31    degree to which pupils have acquired the skills and knowledge  
32    necessary to be successful in a specific occupation or in the general  
33    workforce.

34    (D) Workforce outcomes for pupils graduating from high school  
35    may include, but are not limited to, employment rates and earnings.

36    (d) Based on the API, the Superintendent shall develop, and the  
37    state board shall adopt, expected annual percentage growth targets  
38    for all schools based on their API baseline score from the previous  
39    year. Schools are expected to meet these growth targets through  
40    effective allocation of available resources. For schools below the

1 statewide API performance target adopted by the state board  
2 pursuant to subdivision (e), the minimum annual percentage growth  
3 target shall be 5 percent of the difference between the actual API  
4 score of a school and the statewide API performance target, or one  
5 API point, whichever is greater. Schools at or above the statewide  
6 API performance target shall have, as their growth target,  
7 maintenance of their API score above the statewide API  
8 performance target. However, the state board may set differential  
9 growth targets based on grade level of instruction and may set  
10 higher growth targets for the lowest performing schools because  
11 they have the greatest room for improvement. To meet its growth  
12 target, a school shall demonstrate that the annual growth in its API  
13 is equal to or more than its schoolwide annual percentage growth  
14 target and that all numerically significant pupil subgroups, as  
15 defined in subdivision (a), are making comparable improvement.

16 (e) Upon adoption of state performance standards by the state  
17 board, the Superintendent shall recommend, and the state board  
18 shall adopt, a statewide API performance target that includes  
19 consideration of performance standards and represents the  
20 proficiency level required to meet the state performance target.  
21 When the API is fully developed, schools, at a minimum, shall  
22 meet their annual API growth targets to be eligible for the  
23 Governor's Performance Award Program as set forth in Section  
24 52057. The state board may establish additional criteria that schools  
25 must meet to be eligible for the Governor's Performance Award  
26 Program.

27 (f) The API shall be used for both of the following:

28 (1) Measuring the progress of schools selected for participation  
29 in the Immediate Intervention/Underperforming Schools Program  
30 pursuant to Section 52053.

31 (2) Ranking all public schools in the state for the purpose of the  
32 High Achieving/Improving Schools Program pursuant to Section  
33 52056.

34 (g) (1) A school with 11 to 99 pupils with valid test scores shall  
35 receive an API score with an asterisk that indicates less statistical  
36 certainty than API scores based on 100 or more test scores.

37 (2) A school annually shall receive an API score, unless the  
38 Superintendent determines that an API score would be an invalid  
39 measure of the performance of the school for one or more of the  
40 following reasons:

1 (A) Irregularities in testing procedures occurred.

2 (B) The data used to calculate the API score of the school are  
3 not representative of the pupil population at the school.

4 (C) Significant demographic changes in the pupil population  
5 render year-to-year comparisons of pupil performance invalid.

6 (D) The department discovers or receives information indicating  
7 that the integrity of the API score has been compromised.

8 (E) Insufficient pupil participation in the assessments included  
9 in the API.

10 (3) If a school has fewer than 100 pupils with valid test scores,  
11 the calculation of the API or adequate yearly progress pursuant to  
12 the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301  
13 et seq.) and federal regulations may be calculated over more than  
14 one annual administration of the tests administered pursuant to  
15 Section 60640 and the high school exit examination administered  
16 pursuant to Section 60851, consistent with regulations adopted by  
17 the state board.

18 (h) Only schools with 100 or more test scores contributing to  
19 the API may be included in the API rankings.

20 (i) The Superintendent, with the approval of the state board,  
21 shall develop an alternative accountability system for schools under  
22 the jurisdiction of a county board of education or a county  
23 superintendent of schools, community day schools, nonpublic,  
24 nonsectarian schools pursuant to Section 56366, and alternative  
25 schools serving high-risk pupils, including continuation high  
26 schools and opportunity schools. Schools in the alternative  
27 accountability system may receive an API score, but shall not be  
28 included in the API rankings.

29 (j) The advisory committee established pursuant to Section  
30 52052.5 shall provide recommendations for the implementation  
31 of subdivisions (b) and (c). The advisory committee also shall  
32 develop recommendations for the inclusion of multiple measures  
33 in the API of middle and junior high schools.